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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/566,469	01/31/2006	Fumihito Yaguchi	00380486PUS1	3903
2292 7590 03/09/2009 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
DWIVEDI, VIKANSHA S				
ART UNIT		PAPER NUMBER		
3741				
NOTIFICATION DATE		DELIVERY MODE		
03/09/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/566,469

Applicant(s)

YAGUCHI ET AL.

Examiner

VIKANSHA S. DWIVEDI

Art Unit

3741

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 6-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Utility Model Number 54-85404 (Norio et al).

Norio et al discloses a stator for an electromagnetic pump comprising: a cylinder (Figure 1 and 2) whose both end faces are respectively closed by a pair of frames (Figure 1 and 2); a movable member (3) having a magnetic body (4), in which flange sections (section denoted by numeral 6 in figure 1 and 2) are formed at both axial ends (Figure 1 and 2), outer circumferential faces (outer circumferential surface of 5) of the flange (6) sections act as magnetic flux working surfaces (4 is a permanent magnet and 5 is a magnetic piece), said movable member (3) being accommodated in said cylinder (Figure 1 and 2) and capable of reciprocally moving in the axial direction thereof (Figure 2); pump chambers (8, figure 1 and 2) being respectively formed between inner faces of the frames and both side faces of said movable member (3) extended in the moving direction (moving direction of figure 1 and 2) thereof; electromagnetic coils (2) which are wound in opposite directions being fitted around a periphery of said cylinder (Figure 1 and 2); and yokes (1, multiple pieces as shown in figure 1 and 2) made of a magnetic material provided to end faces of the electromagnetic coils (2) to face the flange

sections (6) of the movable body; wherein the yokes (1, multiple pieces as shown in figure 1 and 2) comprise an outer yoke (outer section of 1), a pair of end yokes (extreme outer section of the outer yoke) depending from the outer yoke (outer section of 1), and a pair of adjacent yokes (inner section of the outer yoke 1) depending from the outer yoke and located between the end yokes (figure 1, yoke 1); further comprising: flange sections (6) formed at both axial ends of the movable body (3); and outer circumferential faces (outer circumferential surface of 5) of the flange (6) sections act as magnetic flux working surfaces(4 is a permanent magnet and 5 is a magnetic piece).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Utility Model Number 54-85404 (Norio et al) in view of Japanese Utility Model Number 58-28468 (Goshi et al).

Norio et al discloses a stator for an electromagnetic pump as explained above with regard to claims 6-9, Norio et al discloses movable member (3) is reciprocally moved according to a magnitude relation between magnetic attraction (2, 4, 5) forces which work to the movable member (3) and are generated by magnetic circuits formed between (4 and 5) the flange sections (5) and the adjacent yokes (1, multiple pieces as shown in figure 1 and 2) and between the flange sections (5), the end yoke, end yokes (extreme outer section of the outer yoke) depending from the outer yoke (outer section of 1), and a pair of adjacent yokes (inner section of the outer yoke 1) depending from the outer yoke and located between the end yokes (figure 1, yoke 1) an electric current is supplied to the electromagnetic coils (2).

Norio et al does not disclose a stator for an electromagnetic pump wherein a spacer made of a nonmagnetic material or an air space is provided between the yokes of said adjacent electromagnetic coils.

Goshi et al discloses a stator for an electromagnetic pump wherein a spacer (11 and 13) made of a nonmagnetic material or an air space is provided between the yokes of said adjacent electromagnetic coils. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Norio et al's stator for an electromagnetic pump in view of Goshi et al to provide a spacer for connecting the yoke and provide stable quality and function (Page 2, constitution, object of invention).

Response to Arguments

Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection. Claims 3-4 are cancelled. Amended claim 1, and new claims 6-10 are rejected.

Norio et al discloses a stator for an electromagnetic pump comprising yokes (1, multiple pieces as shown in figure 1 and 2)) a pair of end yokes (extreme outer section of the outer yoke) depending from the outer yoke (outer section of 1), and a pair of adjacent yokes (inner section of the outer yoke 1) depending from the outer yoke and located between the end yokes (figure 1, yoke 1).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIKANSHA S. DWIVEDI whose telephone number is (571)272-7834. The examiner can normally be reached on M-F, 8-4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MICHAEL CUFF can be reached on 571-272-6778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vikansha S Dwivedi/
Examiner, Art Unit 3741

/Michael Cuff/
Supervisory Patent Examiner, Art Unit 3741